

REMARKS

In the application claims 1-14, 29-40, 43, and 44 remain pending. Claims 15-28, 41, and 42 have been canceled without prejudice. Support for added claims 43 and 44 may be found in the specification, figures, and claims as originally filed. No new matter has been added.

No claims presently stand allowed. The reconsideration of the rejection of the claims is, however, respectfully requested.

In the Office Action pending claims 3, 4, 31, and 32 were objected to for using "effects" when "affects" was intended. Correction has been made.

In the Office Action pending claim 29 was objected for the reason that the specification fails to "expressly suggest the combination of" the transmission circuit 32 and communications module 40. The applicant respectfully disagrees. In this regard, the specification describes, as correctly noted in the Office Action, that "the transmission circuit 32 and communications module 40 perform operations that could be performed by a single device." The Office Action, however, fails to consider that the specification then describes that "[a]ccordingly, the transmission circuit 32 and communication module 40 need not be separate and distinct components." Based upon this statement, it is submitted that, contrary to the position taken in the Office Action, the specification clearly suggests that the transmission circuit 32 and communication module 40 may be combined *so as not to be separate and distinct*.

Owing to the foregoing actions and argument, it is respectfully requested that the objection to the claims now be withdrawn.

In the Office Action, various of the pending claims were rejected based upon an obviousness type double patenting rejection in view of the claims of commonly assigned U.S. Patent No. 6,642,852 and the disclosure within Kamon (U.S. Patent No. 5,726,645). While it is the position of the Applicant that the obviousness type double patenting rejection has been made

in error, i.e., nothing from within Kamon can be said to suggest modifying the invention claimed in the '852 patent, which is directed to causing a configured remote control to issue a sequence of commands while considering the power state of an appliance, to arrive at the invention set forth in the pending claims, which is directed to using a monitoring of power supplied to an appliance to select an appropriate command code set to thereby perform an initial configuration of a remote control, the applicant is nevertheless submitting herewith a Terminal Disclaimer for the sole purpose of expediting issuance of the subject application for patent.

Finally, in keeping with this argument that nothing from within Kamon can be said to disclose, teach, or suggest the invention set forth in the pending claims, it is respectfully submitted that the invention set forth in the pending claims cannot be said to be anticipated by or rendered obvious by Kamon, whether considered alone or in combination with the remaining, cited references.

Kamon describes a system in which the audio output of an appliance is monitored and, when the audio output experiences a change in state, the remote control considers the command signal group of the most recently transmitted command signal as being the command signal group to use to control the appliance. The system disclosed in Kamon, however, suffers various disadvantages which are solved by the invention claimed which, in contrast to the system of Kamon, monitors power supplied to an appliance to configure a remote control. For example, the system disclosed in Kamon simply cannot be utilized to select a command code set for an appliance that does not generate an audio output. Similarly, the system disclosed in Kamon will not function in the case where the appliance is inadvertently muted. Still further, the system disclosed in Kamon will not function in the case where the appliance in question is not receiving an audio/video input which is required for the appliance to generate an audio output, e.g., the television is tuned to an input that is not receiving an audio/visual signal. As will be appreciated,

the system that is the subject of the pending claims has the advantage of addressing these and other deficiencies which may frustrate a user of the Kamon system.

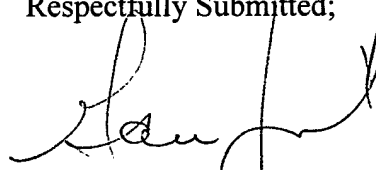
In sum, since Kamon, whether considered alone or in combination with the remaining, cited references, fails to disclose, teach, or suggest a system which uses a monitoring of power supplied to an appliance to configure a remote control, the claims of the subject application for patent must be deemed to be in condition for allowance.

### CONCLUSION

It is respectfully submitted that the cited references, whether considered alone or in combination, fail to disclose, teach, or suggest each and every element set forth in the pending claims. For at least this reason it is submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;



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